

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLN11-0064, A USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION.

WHEREAS, an application was made on March 20, 2011 by Taeyong Lee requesting a Use Permit for the sales of beer and wine for off-site consumption; and

WHEREAS, the application was accepted as complete on April 18, 2011; and

WHEREAS, a public hearing was conducted on June 13, 2011; and

WHEREAS, the project site is located within a CCT, Community Commercial Zoning District; and

WHEREAS, the project site is located within a Community Commercial General Plan Designation; and

WHEREAS, the Planning Board has made the following findings concerning the project:

1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.

As conditioned, this use will comply with all state and local regulations regarding the selling of beer and wine. No exterior changes to the building are part of this application. No adverse operational impact is anticipated as a result of this action as the business owner and the site have no record of police action.

2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.

This permit does not generate the need for additional parking.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.

The use of this property will remain as a grocery store. No deleterious effects are

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anticipated as a result of adding beer and wine sales as an ancillary use.

4. The proposed use relates favorably to the General Plan.

Continuation of a retail business at this location is consistent with General Plan Policy 2.5.a, which calls for providing enough retail and service space to enable Alameda to realize its full retail sales potential.

BE IT RESOLVED THAT, the project is Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15301, Existing Conditions.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Use Permit, PLN11-0064, to allow the sale of beer and wine for off-site consumption, within an existing grocery store, subject to the following conditions:

1. Revocation: This Use Permit may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Planning Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
2. Expiration: The Use Permit approval shall expire two (2) years after the date of approval or by June 13, 2013 unless use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
3. The applicant shall obtain the appropriate license with the Alcoholic Beverage Control Department of California.
4. The business' storefront windows shall have minimal signage and must comply with AMC 30-6.4.c which states that no permanent or temporary window sign shall be larger than 10 square feet and shall not occupy more than 25% of the window within the window frame. In addition, all promotional signs may only be posted for a maximum of 30 days. All promotional signs shall state, using letters 1 inch in height, the date the promotional signs were posted.
5. This permit shall allow the sale of beer and wine for off-site consumption as an ancillary use of the grocery store. This use shall clearly remain incidental and

clearly subordinate to the permitted main use.

6. **HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

**NOTICE.** No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

**NOTICE.** The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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